

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	
)	
)	
Plaintiffs and)	C.A. No. 20-613 (SB)
Counterdefendants,)	
)	
v.)	REDACTED - PUBLIC VERSION
)	
ROSS INTELLIGENCE INC.,)	
)	
Defendant and)	
Counterclaimant.)	

**DECLARATION OF MIRANDA D. MEANS IN SUPPORT OF PLAINTIFFS’ MOTIONS
FOR PARTIAL SUMMARY JUDGMENT (NOS. 1–3)**

I, Miranda D. Means, Esq., declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, counsel of record for Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH (“Thomson Reuters”) and West Publishing Corporation (“West”) (collectively, “Plaintiffs”). I am admitted and in good standing to practice law in the states of Massachusetts and New York, and I am admitted *pro hac vice* to practice in this District for the above-captioned case. I submit this declaration in support of Plaintiffs’ Motions for Partial Summary Judgment on (No. 1) Copyright Infringement, (No. 2) Tortious Interference with Contract and Copyright Preemption, and (No. 3) Fair Use and Other Defenses. The statements set forth in this declaration are based on my personal knowledge and my review of the contemporaneous documents referenced and attached hereto.

2. Attached hereto as **Exhibits 1** is a true and correct copy of excerpts from the deposition of Khalid Al-Kofahi, held on April 8, 2022.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition of Andrew Arruda, held on March 30, 2022.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the deposition of L. Karl Branting, Ph.D., held on October 19, 2022.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition of Christopher Cahn, held on May 12, 2022.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition of Alan Cox, held on November 2, 2022.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Barbara Frederiksen-Cross, held on November 11, 2022.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the deposition of Tariq Hafeez, held on May 26, 2022.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the deposition of Richard A. Leiter, held on October 24, 2022.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the deposition of Erik Lindberg, held on March 22, 2022.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the deposition of James Malackowski, held on November 4, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the deposition of Andrew Martens, held on March 25, 2022.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the deposition of Isabelle Moulinier, held on July 1, 2022.

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the deposition of Jimoh Ovbiagele, held on April 12, 2022.

15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the deposition of Sean O. Shafik, held on April 22, 2022.

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the deposition of Tomas van der Heijden, held on March 17, 2022.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the deposition of Teri Whitehead, held on April 18, 2022.

18. On July 18, 2022, L. Karl Branting, J.D., Ph.D., submitted an expert report in this case. A true and correct copy of this report is attached as **Exhibit 17**.

19. On September 20, 2022, Alan J. Cox, Ph.D. executed a rebuttal expert report for this case. A true and correct copy of this report is attached as **Exhibit 18**.

20. On August 1, 2022, Barbara Frederiksen-Cross executed an expert report for this case. A true and correct copy of this report is attached as **Exhibit 19**. As part of this report, Ms. Frederiksen-Cross attached an excel marked as Exhibit P to the report. During her deposition, an excerpt of the Exhibit P was used as Exhibit 21. A true and correct copy of this excerpt is attached as **Exhibit 20**. An excerpt of this exhibit reflecting citations from post-1927, prepared at my direction is also being lodged with the Court as **Exhibit 21**.

21. On August 1, 2022, Dr. Jonathan L. Krein executed an expert report for this case. A true and correct copy of this report is attached as **Exhibit 22**. As part of this report, Dr. Krein

attached an Appendix C, showing headnotes and memos. A true and correct copy of this appendix is attached as **Exhibit 23**.

22. James E. Malackowski submitted an opening report on August 1, 2022 and a rebuttal report on September 6, 2022. True and correct copies of these reports are attached as **Exhibits 24** and **25**, respectively.

23. On September 14, 2022, ROSS served Defendant and Counterclaimant ROSS Intelligence Inc.'s Supplemental Responses and Objections to Plaintiff's Set of Interrogatories. True and correct excerpts from this document are attached as **Exhibit 26**.

24. Attached hereto as **Exhibit 27** is a true and correct copy of an April 8, 2019 post on ROSS's blog titled "How is Natural Language Search Changing The Face of Legal Research?".

25. Attached hereto as **Exhibit 28** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00056843.

26. Attached hereto as **Exhibit 29** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00059362.

27. Attached hereto as **Exhibit 30** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00078065.

28. Attached hereto as **Exhibit 31** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00093066.

29. Attached hereto as **Exhibit 32** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00109845.

30. Attached hereto as **Exhibit 33** is a true and correct copy of the document produced in this litigation with beginning bates LEGALEASE-00171828.

31. Attached hereto as **Exhibit 34** is a true and correct copy of the document produced in this litigation with beginning bates R-LEGALEASE-00048772.

32. Attached hereto as **Exhibit 35** is a true and correct copy of the document produced in this litigation with beginning bates R-LEGALEASE-00050718.

33. Attached hereto as **Exhibit 36** is a true and correct copy of the document produced in this litigation with beginning bates R-LEGALEASE-00101583.

34. Attached hereto as **Exhibit 37** is a true and correct copy of the document produced in this litigation with beginning bates R-LEGALEASE-00101636.

35. Attached hereto as **Exhibit 38** is a true and correct copy of the document produced in this litigation with beginning bates R-LEGALEASE-00189134.

36. Attached hereto as **Exhibit 39** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000175054.

37. Attached hereto as **Exhibit 40** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000176438.

38. Attached hereto as **Exhibit 41** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000176441.

39. Attached hereto as **Exhibit 42** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000177723.

40. Attached hereto as **Exhibit 43** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000179468.

41. Attached hereto as **Exhibit 44** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000204366.

42. Attached hereto as **Exhibit 45** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000304769.

43. Attached hereto as **Exhibit 46** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-000304771.

44. Attached hereto as **Exhibit 47** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003227570.

45. Attached hereto as **Exhibit 48** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003382388. This document was produced natively as an Excel file and will be lodged with the Court.

46. Attached hereto as **Exhibit 49** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003390233.

47. Attached hereto as **Exhibit 50** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003390563.

48. Attached hereto as **Exhibit 51** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003390772.

49. Attached hereto as **Exhibit 52** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003390773.

50. Attached hereto as **Exhibit 53** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003390881.

51. Attached hereto as **Exhibit 54** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003391075.

52. Attached hereto as **Exhibit 55** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003391076.

53. Attached hereto as **Exhibit 56** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003395895.

54. Attached hereto as **Exhibit 57** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003419784.

55. Attached hereto as **Exhibit 58** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003428727.

56. Attached hereto as **Exhibit 59** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003487472.

57. Attached hereto as **Exhibit 60** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003610162.

58. Attached hereto as **Exhibit 61** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-003658597.

59. Attached hereto as **Exhibit 62** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-009501052.

60. Attached hereto as **Exhibit 63** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-009603348.

61. Attached hereto as **Exhibit 64** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-009637509.

62. Attached hereto as **Exhibit 65** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-009727514.

63. Attached hereto as **Exhibit 66** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-009770437.

64. Attached hereto as **Exhibit 67** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-010099622.

65. Attached hereto as **Exhibit 68** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-010164290.

66. Attached hereto as **Exhibit 69** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-010271831.

67. Attached hereto as **Exhibit 70** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-010361787.

68. Attached hereto as **Exhibit 71** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-010373855.

69. Attached hereto as **Exhibit 72** is a true and correct copy of the document produced in this litigation with beginning bates ROSS-023032254.

70. Attached hereto as **Exhibit 73** is a true and correct copy of the document produced in this litigation with beginning bates TR-0001142.

71. Attached hereto as **Exhibit 74** is a true and correct copy of the document produced in this litigation with beginning bates TR-0001154.

72. Attached hereto as **Exhibit 75** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002741.

73. Attached hereto as **Exhibit 76** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002812.

74. Attached hereto as **Exhibit 77** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002827.

75. Attached hereto as **Exhibit 78** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002842.

76. Attached hereto as **Exhibit 79** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002844.

77. Attached hereto as **Exhibit 80** is a true and correct copy of the document produced in this litigation with beginning bates TR-0002864.

78. Attached hereto as **Exhibit 81** is a true and correct copy of the document produced in this litigation with beginning bates TR-0003138.

79. Attached hereto as **Exhibit 82** is a true and correct copy of the document produced in this litigation with beginning bates TR-0033982.

80. Attached hereto as **Exhibit 83** is a true and correct copy of the document produced in this litigation with beginning bates TR-0034557.

81. Attached hereto as **Exhibit 84** is a true and correct copy of the document produced in this litigation with beginning bates TR-0035897.

82. Attached hereto as **Exhibit 85** is a true and correct copy of the document produced in this litigation with beginning bates TR-0038034.

83. Attached hereto as **Exhibit 86** is a true and correct copy of the document produced in this litigation with beginning bates TR-0038826. This document was produced natively as an Excel file and will be lodged with the Court.

84. Attached hereto as **Exhibit 87** is a true and correct copy of the document produced in this litigation with beginning bates TR-0038909.

85. Attached hereto as **Exhibit 88** is a true and correct copy of the document produced in this litigation with beginning bates TR-0039808.

86. Attached hereto as **Exhibit 89** is a true and correct copy of the document produced in this litigation with beginning bates TR-0040273.

87. Attached hereto as **Exhibit 90** is a true and correct copy of the document produced in this litigation with beginning bates TR-0048632.

88. Attached hereto as **Exhibit 91** is a true and correct copy of the document produced in this litigation with beginning bates TR-0055362.

89. Attached hereto as **Exhibit 92** is a true and correct copy of the document produced in this litigation with beginning bates TR-0073545.

90. Attached hereto as **Exhibit 93** is a true and correct copy of the document produced in this litigation with beginning bates TR-0104712.

91. Attached hereto as **Exhibit 94** is a true and correct copy of the document produced in this litigation with beginning bates TR-0151763.

92. Attached hereto as **Exhibit 95** is a true and correct copy of the document produced in this litigation with beginning bates TR-0178588.

93. Attached hereto as **Exhibit 96** is a true and correct copy of the document produced in this litigation with beginning bates TR-0359564.

94. Attached hereto as **Exhibit 97** is a true and correct copy of the document produced in this litigation with beginning bates TR-0359959.

95. Attached hereto as **Exhibit 98** is a true and correct copy of the document produced in this litigation with beginning bates TR-0521595.

96. Attached hereto as **Exhibit 99** is a true and correct copy of the document produced in this litigation with beginning bates TR-0532236.

97. Attached hereto as **Exhibit 100** is a true and correct copy of the document produced in this litigation with beginning bates TR-0884952.

98. Attached hereto as **Exhibit 101** is a true and correct copy of the document produced in this litigation with beginning bates TR-0908413.

99. Attached hereto as **Exhibit 102** is a true and correct copy of the document produced in this litigation with beginning bates TR-0076478. This document was produced natively as an Excel file and will be lodged with the Court.

100. Attached hereto as **Exhibit 103** is a true and correct copy of the document produced in this litigation with beginning bates TR-0836004. This document was produced natively as an Excel file and will be lodged with the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22nd day of December, 2022.



Miranda D. Means

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 22, 2022, upon the following in the manner indicated:

David E. Moore, Esquire
Bindu Palapura, Esquire
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 North Market Street
Wilmington, DE 19801
Attorneys for Defendant and Counterclaimant

VIA ELECTRONIC MAIL

Mark A. Klapow, Esquire
Lisa Kimmel, Esquire
Crinesha B. Berry, Esquire
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004
Attorneys for Defendant and Counterclaimant

VIA ELECTRONIC MAIL

Gabriel M. Ramsey, Esquire
Jacob Canter, Esquire
Warrington Parker, Esquire
CROWELL & MORING LLP
3 Embarcadero Center, 26th Floor
San Francisco, CA 94111
Attorneys for Defendant and Counterclaimant

VIA ELECTRONIC MAIL

/s/ Michael J. Flynn

Michael J. Flynn (#5333)